

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/516,864
	Filing Date	June 27, 2003
	First Named Inventor	Hsaio
	Art Unit	not yet available
	Examiner Name	not yet available
Total Number of Pages in This Submission	Attorney Docket Number	32144183-000004

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Req. for Continued Examination <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request – fee attached <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement – fee attached <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition (Ext. of Time, 1 month) <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard, Transmittal, Copy of Notif. of Missing Req., Check for \$60.00 #2281, Certificate of Mailing, Dec. of Michael Dai, 1 CRF of Seq. Listing, Seq. Listing Statement, Seq. Listing,
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Baker & McKenzie LLP		
Signature			
Printed name	Michael D. Berger, Ph.D.		
Date	October 4, 2005	Reg. No.	52,616

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 4, 2005

Signature: (Susan B. Jensen)

Rec'd PTO 02 OCT 2005

PTO/SB/92 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (if known): 10/516,864


Attorney Docket No.: 32144183-000004

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on October 4, 2005
Date



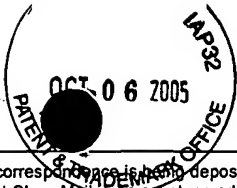
Signature

Susan B. Jensen

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal (1 pg.)
Response to Notice of Missing Parts (2 pgs.)
Change of Correspondence Address (1 pg.)
Certificate of Mailing (1 pg.)
Copy of Notification of Missing Req. (2 pgs)
Statement to accompany Seq. Listing (1 pg.)
Sequence Listing (10 pgs.)
Petition for 1 month Ext. of Time (1 pg.)
Check for \$60.00 #2281
Declaration of Michael Dai (38 pgs.)
Rt. Postcard
1 CRF of Seq. Listing



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 4, 2005

Signature:

Susan B. Jensen
(Susan B. Jensen)

Docket No.: 32144183-000004
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hsaio, et al.

Application No.: 10/516,864

Filed: June 27, 2003

For: Plasma or Serum Marker and Process for
Detection of Cancer

Confirmation No.: 8549

Art Unit: not yet available

Examiner: unknown

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

RECEIVED

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

10 JAN 2006

Legal Staff
International Division

Dear Sir:

In response to the Notice to File Missing Parts of Application mailed July 6, 2005, The Applicants respectfully direct the Examiner's attention to the Declaration submitted previously with PCT/US2003/020587, published as WO2004/002294. Because the Executed Declaration and Statement Regarding Lack of Signature were submitted with the Application as filed, the \$65.00 Surcharge should be waived. The Declaration is signed by inventor Wendy Hsiao. A Statement accompanying the above referenced Declaration indicates that Cesar Wong has refused to sign the Declaration of Inventorship. Additionally, attached herewith, the Applicants' representatives submit a Declaration under 37 CFR §1.47 that documents additional efforts made to obtain a signature for the non-signing inventor, Cesar Wong.

Finally, a Sequence Listing has been submitted concurrently herewith. Please amend the specification to include the attached Sequence Listing. The Sequence Listing is supported throughout the application and specifically on pages 14 and 15. The Sequence Listing contains no new matter. Applicants submit that to the best of their knowledge and belief, the copy in CRF is identical to the paper copy of the "Sequence Listing" submitted herewith.

02/23/2006 CSM00T 00000001 130480 10516864
Sale Ref: 05000001 00000001 10516864
01 10516864
200.00 DA


Application No.: 10/605239

Docket No.: 61179-00005USPX

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-3420, reference 32144183-000004 (MDB).

Dated: October 4, 2005

Respectfully submitted,

By 
Michael D. Berger, Ph.D.

Registration No.: 52,616
BAKER & MCKENZIE LLP
Pennzoil Place, South Tower
711 Louisiana, Suite 3400
Houston, TX 77002-2746
(713) 951-3300
(713) 951-3314 (Fax)

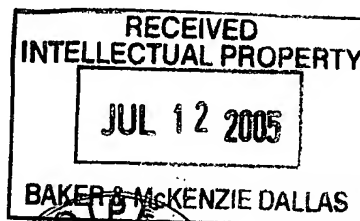


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/516,864	Win-Luan Wendy Hsaio	32144183.4

23562
 BAKER & MCKENZIE
 PATENT DEPARTMENT
 2001 ROSS AVENUE
 SUITE 2300
 DALLAS, TX 75201



INTERNATIONAL APPLICATION NO.	
PCT/US03/20587	
I.A. FILING DATE	PRIORITY DATE
06/27/2003	06/28/2002

CONFIRMATION NO. 8549
 371 FORMALITIES LETTER



OC000000016402515

Date Mailed: 07/06/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/03/2004
- Copy of the International Search Report filed on 12/03/2004
- Information Disclosure Statements filed on 12/03/2004
- Oath or Declaration filed on 12/03/2004
- Small Entity Statement filed on 12/03/2004
- U.S. Basic National Fees filed on 12/03/2004
- Assignment filed on 12/03/2004
- Assignee Statement for PGPUB filed on 12/03/2004
- Priority Documents filed on 12/03/2004
- Power of Attorney filed on 12/03/2004

DOCKETED
 By 9 Date 7/28/05
 Action Notice of Missing Parts Due
 Due Date 9/16/2005 10/10/2005
 Reviewed By PK Date 8/3/05

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
 - there are two inventor listed on publish application, the 2nd inventor Wong didn't signed on 4.17 declaration.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- **\$65** Late oath or declaration Surcharge.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY